



**IN THE MATTER OF THE DEATH OF A MAN
IN AN INCIDENT INVOLVING MEMBERS OF THE
ABBOTSFORD POLICE DEPARTMENT IN
ABBOTSFORD, BRITISH COLUMBIA
ON NOVEMBER 30, 2023**

**DECISION OF THE CHIEF CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATIONS OFFICE**

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2023-345

Date of Release:

September 18, 2025

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INTRODUCTION

The Affected Person (“AP”) had been held at Abbotsford Regional Hospital after being admitted suffering from drug psychosis. On November 30, 2023, he was in the process of being released. For a short time, while the release arrangements were being finalized, the AP briefly took a nurse hostage, holding a pair of scissors against her as a threat. He then released the nurse and left the hospital. Police were notified and concluded that the AP was arrestable for assault with a weapon.

The AP was located by an officer and was followed on foot for a distance. The AP did not comply with repeated directions to drop the scissors and told the officer several times to kill him. At one point, he grabbed at the door handle of a car that pulled out across the sidewalk in front of him, apparently trying to enter it.

As other officers arrived to assist and contain the AP, the Subject Officer (“SO”) discharged two rounds from his service pistol, one of which struck the AP. The AP died as a result of his injuries.

The Independent Investigations Office (“IIO”) was notified and commenced an investigation. The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of 17 civilian witnesses and six witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- security camera and cell phone video recordings from the incident location
- audio recordings of 911 calls and police radio transmissions;
- forensic examination reports; and
- autopsy report.

The IIO does not require officers whose actions are the subject of investigation to cooperate with investigators. In this case, the SO declined to provide any account.

NARRATIVE

On the afternoon of November 30, 2023, staff at Abbotsford Regional Hospital were arranging to release the AP from the psychiatric ward but were experiencing some difficulty finding suitable accommodation for him. Apparently frustrated at the delay, the

AP suddenly jumped into a nursing station saying, "Let me out, let me out." A nurse, Civilian Witness 1 ("CW1"), told the IIO that the AP grabbed her, held a pair of scissors close to her neck and told her, "Open the door, let me out." CW1 opened the door into a hallway, and the AP immediately let her go and ran out, still holding the scissors. The scissors were not a surgical type with rounded tips, but the stationery variety, with pointed tips.

Police were called and were advised of the incident. In the call, the AP was described as a thin, balding, 44-year-old man, 5'8" tall, barefoot and wearing hospital pajamas.

About 15 minutes later, Witness Officer 1 ("WO1") radioed that he had located the AP, and reported that the AP was running, still holding the scissors (which WO1 called a "knife"). WO1 told the dispatcher that the AP was saying, "Kill me." Dispatch repeated this back incorrectly, telling other officers that the AP had threatened to kill WO1.

WO1 later told the IIO that because he knew the AP was in possession of scissors and was alleged to have threatened a nurse with them, he drew his pistol as he followed the AP, holding the gun in the "low ready" position. He said that at one point, the AP stopped and held the scissors up, so WO1 pointed his pistol and told the AP to "drop the weapon."

Civilian Witness 2 ("CW2") said he saw WO1 chasing the AP, a couple of metres behind him, as the AP ran away. CW2 said he then saw the AP stop and face the officer, shaking a "knife" above his head. He said WO1 stopped with his gun pointed at the AP, and told him, "Drop the knife, drop the knife." After a few seconds, CW2 said, the AP turned and started to run away again.

WO1 then broadcast, "We're running down Robertson. He won't put the knife down. Saying, 'Kill me.'" At this point, Witness Officer 2 ("WO2") came on the radio and asked for "less lethal" options to attend on Robertson Avenue.

Civilian Witness 3 ("CW3") was just about to drive out of a parking lot of a nearby apartment building. CW3 told the IIO she noticed a man in pajamas (not the AP) on the sidewalk. The man, she said, seemed "sketchy." She said that as she pulled out onto the sidewalk, she saw police emergency lights to her right. She noticed that her car doors were not locked, so she locked them. She then saw a second man (the AP) run up to the front passenger door and try to open it. He was unable to open the door and ran away, around the back of her car. CW3 said she then noticed that the AP was being followed by a police officer with his gun drawn. Scared, CW3 drove across the street into the driveway of the home opposite. When she stopped and looked back, she saw that all the officers had their guns pointed at the AP. She said that the AP had his hands up and held

a knife in one hand. She said she saw the AP moving onto the road, “side shuffling,” and then heard a gunshot and saw the AP on the ground.

Civilian Witness 4 (“CW4”), who was watching from a fourth-floor balcony, described the AP as appearing “distraught.” She said she heard the pursuing officer telling him, “Drop your weapon,” and saw the AP stop and say repeatedly, “Just kill me.” She said she turned away briefly because she heard other police coming, and then heard two “pops,” so assumed the AP had been “tasered.” When she looked back, she said, she could no longer see the AP.

Another eyewitness observing from a nearby apartment was Civilian Witness 5 (“CW5”), who told the IIO that at no point did the AP “come at” the officers or threaten them:

At no point did I ever feel like he was coming aggressively towards the officers. It did look like he was trying to make distance between himself and the officers. And no threats were made that I could hear. Just the only things I actually heard were like “drop the knife” and then him saying, “just kill me,” and then that was proceeded quite quickly, like within seconds, of um shots being fired on him.

I do want to make it clear though like he wasn’t making any, um, like rash movements that I felt would make it seem like he was being aggressive towards the officers. He was not advancing, he appeared to be skirting the officers. I didn’t hear any threatening remarks or anything.

Witness Officer 3 (“WO3”) said that when he arrived at the scene, he positioned himself between WO1, to his left, and the Subject Officer (“SO”), to his right. All three officers had their guns drawn. WO3 said that the AP was “kind of angling along,” getting closer to the SO. WO3 said that if the AP were allowed to get away, he could be a threat to anyone in the area. He said he then heard two bangs and the AP fell to the ground.

WO1 said that when he heard the shots, he assumed they were from a “less lethal” shotgun, but when he looked over at the SO, he saw the gun in his hand and realized what had happened.

Less than two minutes after WO1 had first encountered the AP, the SO radioed, “Shots fired.” At that point, the SO turned over command to WO2, who had arrived just before the shooting.

Witness officers (WO 1, WO 3, WO 4 and WO 5) went to the AP, moved the scissors away and handcuffed him.

The incident was recorded on CCTV and a civilian cell phone.

The CCTV recording shows the unidentified man in pajamas referred to by CW3 moving hurriedly away as CW3 is driving out of the parking lot. The AP is seen running along the sidewalk and making a grabbing motion at the front passenger door as CW3 drives away across the street and out of sight. The unidentified man walks away westbound and disappears from view. The AP continues eastward, now running backwards away from two police officers (WO1 and the SO) as they pursue him, both their pistols pointed at him.

When the AP reaches the end of the sidewalk at the corner, he starts to angle to his left (to the officers' right, as he is still facing in their direction) across the street towards a parked car in front of a bushy area on the opposite corner. WO1 tracks his movements, maintaining a distance of approximately the width of the street. The SO also tracks the AP's sideways movement, at a distance of about six metres. WO2 and WO3 also approach, but the SO has moved to a position much closer to the AP than the other officers.

The SO then shoots twice. The first round misses the AP. The second strikes him in the abdomen. As the AP falls to the ground, more officers are arriving, from both directions along the street. About 60 seconds after the lethal shots, an officer with a "less lethal" shotgun capable of firing impact rounds designed to incapacitate but not seriously injure, appears.

ANALYSIS

The Independent Investigations Office of British Columbia is mandated to investigate any incident that occurs in the province in which an Affected Person has died or suffered serious physical harm and there appears to be a connection to the actions (or sometimes inaction) of police. The aim is to provide assurance to the public that when the investigation is complete, they can trust the IIO's conclusions, because the investigation was conducted by an independent, unbiased, civilian-led agency.

In most cases, those conclusions are presented in a public report such as this one, which completes the IIO's mandate by explaining to the public what happened in the incident and how the Affected Person came to suffer harm. Such reports are generally intended to enhance public confidence in the police and in the justice system as a whole through a transparent and impartial evaluation of the incident and the police role in it.

In a smaller number of cases, the evidence gathered may give the Chief Civilian Director ("CCD") reasonable grounds to believe that an officer has committed an offence in

connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration of charges.

In a case such as this one, involving the use of lethal force by an officer, evidence is gathered about potential justifications for that use of force. The CCD then applies legal tests such as necessity, proportionality and reasonableness to reach conclusions as to whether the officer's actions were lawful. The specific focus is on the degree of threat posed by the Affected Person and whether, in the words of the *Criminal Code*, it gave reasonable grounds for the officer to believe lethal force was "necessary for the self-preservation of [the officer] or the preservation of any one under [the officer's] protection from death or grievous bodily harm."

The test for justification is both subjective and objective. That is, the officer must honestly believe (subjectively) that the use of lethal force is necessary, and this belief must also meet the (objective) reasonableness test set out in the paragraph above. A situation may arise in which there are, objectively, reasonable grounds to believe that lethal force is necessary to protect someone (either a specific person or the public in general) from grievous bodily harm or death, but not all the officers at the scene subjectively form that belief. This appears to be such a case. As noted above, WO1 chose not to discharge his firearm, even when directly confronted at close range by the AP shaking a "knife" above his head. In the final moments of the incident, both WO1 and WO3 maintained a safe distance from the AP and did not shoot. The SO, however, evidently formed the subjective belief that the use of lethal force had become necessary.

Objectively, the AP's behaviour was of significant concern, even though it appeared to be focussed primarily on escaping from the attention of the police. The AP appeared to be suffering a mental health crisis and was consistently non-compliant with officers' directions. He was armed with a sharp blade which he had already used in an assault against a nurse at the hospital. While he had not yet harmed anyone with the blade, it is reasonable to conclude that the AP was holding onto it for potential use as a threat or weapon. His attempt to force entry into CW3's car would have been particularly concerning to police and could reasonably have led to fears that he would next attempt to enter a residence, creating a hostage-type scenario.

It is unfortunate that none of the officers had access to effective non-lethal intervention tools, which arrived on scene very shortly after the shooting; however, it cannot be said that SO's decision to deploy lethal force when he did, in the totality of the circumstances, was unjustified.

Accordingly, as Chief Civilian Director of the IIO, I do not consider that there are reasonable grounds to believe that an officer may have committed an offence under any

enactment and the matter will not be referred to Crown counsel for consideration of charges.

A handwritten signature in blue ink, appearing to read 'J. Berglund', is positioned above a horizontal line.

Jessica Berglund
Chief Civilian Director

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